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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 GEORGIA-PACIFIC CONSUMER
11 PRODUCTS LP, a Delaware limited
partnership,

12 Plaintiff,

13 v.

14 LEE'S GENERAL TOYS, INC., a
California corporation, et. al.,

15 Defendants.
16

Civil No.07cv2391 JAH (POR)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE A
FIRST AMENDED COMPLAINT
[Doc. No. 29]**

17 On February 15, 2008, Plaintiff filed a motion for leave to file an amended
18 complaint. Plaintiff seeks to amend the complaint to add two new Defendants. Plaintiff
19 maintains Defendants identified a Chinese supplier and associated agent that supplies the
20 alleged offending "Angelite" product. No opposition to the motion has been filed.

21 The filing of an amended complaint after a responsive pleading has been filed may
22 be allowed by leave of court and such leave "shall be freely given when justice so requires."
23 Fed.R.Civ.P. 15(a). Granting leave to amend rests in the sound discretion of the trial
24 court. International Ass'n of Machinists & Aerospace Workers v. Republic Airlines, 761
25 F.2d 1386, 1390 (9th Cir. 1985). This discretion must be guided by the strong federal
26 policy favoring the disposition of cases on the merits and permitting amendments with
27 "extreme liberality." DCD Programs Ltd. v. Leighton, 833 F.2d 183, 186 (9th Cir. 1987).
28 In practice, however, courts more freely grant plaintiffs leave to amend pleadings in order

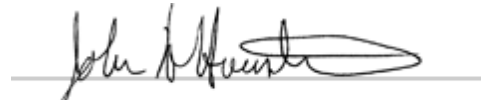
1 to add claims than new parties. Union Pacific R.R. Co. v. Nevada Power Co., 950 F.2d
2 1429, 1432 (9th Cir. 1991).

3 Because Rule 15(a) favors a liberal policy, the nonmoving party bears the burden
4 of demonstrating why leave to amend should not be granted. Genetech, Inc. v. Abbott
5 Laboratories, 127 F.R.D. 529 (N.D. Cal. 1989). Plaintiff must show “good cause” in order
6 to amend a pleading once a pretrial scheduling order has issued pursuant to Fed.R.Civ.P.
7 16(b). Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). In
8 addition, Civil Local Rule 7.1(f.3.c) expressly provides that “[i]f an opposing party fails
9 to file the papers in the manner required by Local Rule 7.1(e.2), that failure may
10 constitute a consent to the granting of that motion or other request for ruling by the
11 court.”

12 Based on Rule 15(a)’s liberal policy, Defendants’ lack of opposition, and after a
13 thorough review of the case file in this matter, this Court finds that Plaintiff has shown
14 good cause to amend the complaint as requested.

15 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for leave to file a
16 first amended complaint is **GRANTED**. Plaintiff shall electronically file the first amended
17 complaint attached to its motion.

18 DATED: April 17, 2008

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21 JOHN A. HOUSTON
22 United States District Judge
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